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Attorney for Robert Rasheed

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-14-0582-PJH
)	
Plaintiff,	)	JOINT DEFENSE MOTIONS <i>IN LIMINE</i>
	)	VERIFYING GOVERNMENT
Vs.	)	COMPLIANCE WITH <i>JENCKS, BRADY,</i>
	)	<i>GIGLIO & HENTHORN</i> OBLIGATIONS
ALVIN FLORIDA, et al.,)	
	)	-and-
Defendants.)	
	)	EXCLUDING TESTIMONY OF ANY
	)	WITNESS FOR NONCOMPLIANCE
)	
	)	Pretrial Date: October 12, 2106
	)	Time: 1: 30 p.m.
)	
	)	Honorable Phyllis J. Hamilton
)	
	)	Crim. Local Rule: 17.1-1(b)(1)-(3); (15)
)	
)	
)	

The defendants, by and through their counsel, jointly submit this JOINT DEFENSE
MOTIONS *IN LIMINE* VERIFYING GOVERNMENT COMPLIANCE WITH *JENCKS,*
BRADY, GIGLIO & HENTHORN OBLIGATIONS and EXCLUDING TESTIMONY OF ANY
WITNESS FOR NONCOMPLIANCE.

STATEMENT OF FACTS & LAW

The core of this case is a single conspiracy alleging a complex criminal antitrust violation. The alleged criminal conduct involves a lengthy conspiracy to rig bids at public non-judicial auctions sales for hundreds of distressed properties in Alameda County.

The case is set to start trial on October 31, 2016. On September 7, 2016, the government filed its witness list. (dkt #226). The list contains 17 percipient witnesses who are expected to testify in the government's case in chief as well as 23 custodian or records.

To avoid unfair surprise, ensure due process and compliance with its obligations, the defense requests an Order *in Limine* excluding any witness from testifying at trial if the government has not yet provided or disclosed to the defense all *Jencks*, *Giglio*, *Brady* and *Henthorn* material regarding that witness. The case and statutory law obligating the government to timely disclose these salient discovery materials is nothing new, clearly well-established and needs no further argument.

Moreover, the defense requests the identity of Special Agent UCE-3322 who apparently served as the undercover agent in this matter. Frankly, it remains a complete mystery why this federal agent's identity undisclosed at this time.

Also, this timely defense *in limine* motion, so close to trial, should come as to surprise or burden to the government. Since its First Discovery Letter, defendant Robert Rasheed has sought full disclosure of these basic government discovery obligations. *See January 28, 2015 letter attached as Exhibit A*. The government's March 16, 2015 response was simply that it knew of its obligations. *See March 16, 2015 letter attached as Exhibit B*.

In short, the defense jointly moves the Court *in limine* for an Order excluding the testimony of any government witness where the prosecution has not fully provided or disclosed to the defense all *Brady*, *Jencks*, *Giglio* or *Henthorn* material pertaining to that witness.

1 Dated: September 14, 2016

Respectfully Submitted,

_____/s/_____
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SHAFFY MOEEL
Attorney for Defendant
ALVIN FLORIDA, JR.

_____/s/_____
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Attorney for Defendant
ROBERT ALHASHASH RASHEED

_____/s/_____
8

JOHN FORSYTH
Attorney for Defendant
JOHN LEE BERRY, III

_____/s/_____
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EDWIN PRATHER
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REFUGIO DIAZ

_____/s/_____
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